



City of Riverside Administrative Manual

Effective Date: 07/2009
 Review Date: 07/2012
 Prepared by: Public Works

Approved: _____

[Signature]

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Department

City Manager

SUBJECT:

City Assisted Right-of-Way Acquisition for Subdivision Projects

PURPOSE:

To establish a procedure to assist subdividers to acquire City required off-site right-of-way for subdivision development.

POLICY:

The City may require a developer, as a condition of approval of the final map, to construct or install improvements on land in which neither he/she nor the City has sufficient title or interest at the time the final map is to be approved by the City Council to permit such improvements. It is the developer's responsibility to acquire such right-of-way as is necessary. Section 66462.5 of the Government Code now provides that the local agency shall acquire on behalf of the developer, by either negotiation or condemnation, the right-of-way required if the developer requests its assistance. The cost of such acquisition shall be borne by the developer. The City shall acquire the required interest in the land within the time frames specified in section 66462.5 of the Government Code or the requirement for construction of off-site improvements shall be conclusively deemed to be waived. The following procedure does not outline steps relating to the processing of the final map, which take place concurrently with this process, since they will vary by each map and each specific set of circumstances.

PROCEDURE:

Responsibility	Action
Developer	1. Makes a reasonable effort to acquire the necessary right-of-way by normal negotiation process. Upon failure to acquire the necessary right-of-way and upon meeting all other conditions of the final map, developer notifies the Public Works Department that assistance is requested giving all necessary background information and agreeing to pay the preliminary costs of the process prior to the agreement being signed.
Public Works Department	2. Verifies the need for the right-of-way and that a reasonable effort was made by the developer to obtain it. Notifies the Legal Department to prepare the necessary agreement. Notifies the Property Services Manager to obtain costs for an appraisal of the subject property.

PROCEDURE:

Responsibility	Action
Public Works Department	3. Assigns an account number to the specific project to accumulate costs and labor charges and for crediting deposits. Informs other departments of the account number.
City Attorney	4. Prepares the necessary agreement to require the subdivider to pay to the City all necessary costs of acquisition.
Property Services Manager	5. Assigns a right-of-way agent to the project and provides an estimate for appraisal of the property to the City Attorney. Prepares a Professional Services Agreement in anticipation of hiring an appraiser.*
Subdivider	6. Executes agreement and deposits the appraisal fee, plus the estimated administrative costs of the appraisal.
Property Services Division	7. Hires an appraiser and has an appraisal of the subject property made and notifies subdivider of the costs.
Subdivider	8. If subdivider wishes to continue the process, deposits the appraised acquisition cost plus estimated administrative costs of acquisition.
Property Services Manager	9. Negotiates for property. If unable acquire the subject parcel(s), determines estimated costs for condemnation and immediate possession of the subject property and notifies the subdivider.
Subdivider	10. If subdivider wishes to continue the process, deposits additional estimated litigation costs and estimated administrative costs.
Property Services Manager	11. Prepares Council Report initiating condemnation action to acquire subject property.
City Council	12. At a public hearing, the City Council makes the appropriate findings and authorizes a resolution for condemnation.
Property Services Manager	13. Notifies Public Works Department that the right-of-way has been acquired and of all pertinent costs.
Public Works Department	14. Determines the actual total cost of acquisition and refunds to the subdivider any amount of deposit in excess of the acquisition cost.

The final map may be approved and be recorded at any time after:

- A. adoption of condemnation resolution,
- B. the subdivider has deposited sufficient money with the City to cover all costs of such acquisition
- C. all other conditions of approval have been met.

Upon acquiring the property, the subdivider may construct the improvements in accordance with the agreements on file with the Public Works Department.

*Note: processing of contract must comply with policy 07.014.00